

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

UNITED STATES OF AMERICA)
)
v.) 3:93-CR-003-D(02)
)
KERRY DEWAYNE LAURY,)
Defendant/Movant.)

ORDER

After making an independent review of the pleadings, files, and records in this case, and the findings, conclusions, and recommendation of the magistrate judge, the court concludes that the findings and conclusions are correct. It is therefore ordered that the findings, conclusions, and recommendation of the magistrate judge are adopted.

Accordingly, defendant's March 6, 2009 motion to reduce sentence under 18 U.S.C. § 3582(c) is denied. Defendant's March 23, 2009 motion for clarification is also denied as moot. This motion has not been consolidated with any other litigation.

Defendant seems to continue to believe that his sentence can be substantially reduced under *Booker*. But his lengthy total sentence—which the sentencing judge unquestionably considered unjust—is primarily the result of mandatory statutory minimum sentences for counts 4, 6, 8, 10, and 12, not of the sentencing guidelines as such. *Booker* has had no material effect on mandatory statutory minimum consecutive sentences of this type.

SO ORDERED.

April 14, 2009.



SIDNEY A. FITZWATER
CHIEF JUDGE